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MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Patent No. 7,574,606	:	DECISION
Fan et al.	:	DISMISSING REQUEST FOR
Issue Date: 08/11/2009	:	RECONSIDERATION OF PATENT
Application No. 09/696,446	:	TERM ADJUSTMENT
Filed: 10/24/2000	:	UNDER 37 CFR 1.705(d)
Attorney Docket No. TRMB-2106	:	AS MOOT

This is in response to the "Reply to Decision Dismissing tile Request for Recalculation of Patent Term Adjustment" filed May 20, 2010.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED** as moot.

Patentee is given **TWO (2) MONTHS** from the mailing date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

On August 11, 2009, the above-identified application issued as patent No. 7,574,606 with a patent term adjustment of 648 days. On February 11, 2010, patentee filed a Request for Recalculation of Patent Term Adjustment in View of Wyeth. On April 21, 2010, the Office mailed a decision dismissing patentee's request for recalculation and stating that the Request was deemed ineligible for consideration. Thereafter, on May 18, 2010, the Office mailed a Notice Concerning Improper Dismissal of the Request for Recalculation of Patent Term Adjustment in View of Wyeth stating that the previous decision of April 21, 2010, was vacated and that patentee's request for recalculation was granted. The Notice indicated that the patent term adjustment had been determined to be 1127 days. On May 20, 2010, patentee submitted

the present Reply disputing the decision of April 21, 2010, dismissing the Request for Recalculation of Patent Term Adjustment and asserting that the Request was eligible for consideration.

In view of the Notice mailed May 18, 2010, vacating the decision of April 21, 2010, and according a patent term adjustment of 1127 days, no further consideration of the matter is necessary. Therefore, the petition is dismissed as moot. The patent term adjustment remains 1127 days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

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